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6	Facsimile: (949) 258-5081	
7	Attorneys for Plaintiff,	
8	Mavrix Photographs LLC	
9	UNITED STATES DISTRICT COURT	
10	CENTRAL DISTRICT OF CALIFORNIA	
11		
12	MAVRIX PHOTOGRAPHS LLC, a limited	Case No.
13	liability company,	COMPLAINT FOR DIRECT,
14	Plaintiff,	COMPLAINT FOR DIRECT, CONTRIBUTORY, INDUCEMENT, AND VICANIOUS COPYRIGHT
15	V.	INFRINGEMENT
16	CLEAR CHANNEL	DEMAND FOR JURY TRIAL
17	COMMUNICATIONS, INC., a Texas corporation; and DOES 1-10 INCLUSIVE,	
18		
19	Defendants.	
20		
21	Mavrix Photographs LLC ("Mavrix"), by and through their attorneys of record,	
22	complains against Clear Channel Communications, Inc. ("Clear Channel") and DOES 1	
23	through 10 (collectively, "Defendants") as follows:	
24	JURISDICTION AND VENUE	
25	1. This is a civil action against Defendants for copyright infringement in breach	
26	of the United States Copyright Act, 17 U.S.C. §§ 101 et seq. This Court has subject matter	
27	jurisdiction over the copyright infringement under 28 U.S.C. § 1331, 17 U.S.C. § 501(a),	
28	and 28 U.S.C. § 1338(a) and (b).	

COMPLAINT

U.S.C. § 1400(a) in that the claim arises in this Judicial District, the Defendants may be

found and transact business in this Judicial District, and Defendants have contractually

the general and specific personal jurisdiction of this Court because of their general contacts with the State of California.

2.

PARTIES

waived the right to challenge jurisdiction in this Judicial District. Defendants are subject to

Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (c) and 28

- 3. Plaintiff Mavrix is a limited liability company incorporated and existing under the laws of California, with a principal place of business located in Orange County, California.
- 4. Defendant Clear Channel is a Texas corporation with its principal place of business in San Antonio, Texas. Clear Channel is part of the massive Clear Channel family of companies, owning hundreds of radio stations across the country on both the internet and traditional radio bands, and additionally owning and operating the www.at40.com website, providing streaming radio programming over the internet.
- 5. The true names or capacities, whether individual, corporate or otherwise, of the Defendants named herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names, and will ask leave of Court to amend this Complaint and insert the true names and capacities when ascertained.
- 6. Plaintiff is informed and believes and, upon such, alleges that each of the Defendants designated herein as a "DOE" is legally responsible in some manner for the events and happenings herein alleged, and that Plaintiff's damages as alleged herein were proximately caused by such Defendants. Plaintiff believes that some of the DOE Defendants are partial owners of Clear Channel, or contribute heavily to Clear Channel's content, and are personally liable for Clear Channel's copyright infringement.

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FACTS COMMON TO ALL COUNTS

- 7. Mavrix Photo, Inc. ("MPI") is a prominent celebrity photography agency based in Los Angeles. MPI licenses its photographs to its end customers, often popular publications like People or US Weekly.
- 8. On information and belief, Clear Channel owns and operates the website www.at40.com (the "Website").
- 9. Despite having no permission, consent, or license to do so, Clear Channel has for commercial gain and purpose reproduced, publicly distributed, and publicly displayed—as well as made available specifically for third party's download, display and public and private sharing—certain original photographs of superstar singer Katy Perry (the "Perry Photos") belonging to Mavrix. Mavrix acquired all right, title and interest to the Perry Photos from MPI by way of a full assignment of all such rights, which previously were owned solely by MPI.
- 10. True and correct copies of the copyright registration certificates for the Perry Photos, and evidence of their infringement by the Defendants, are attached as **Exhibit "1"**.

FIRST CLAIM FOR RELIEF

(Copyright Infringement, 17 U.S.C. § 501)

- 11. Plaintiff Mavrix incorporates here by reference the allegations in paragraphs 1 through 10 above.
- 12. Mavrix is the owner of all rights, title and interest in the copyrights to the Perry Photos, which substantially consist of material wholly original with Plaintiff and which are copyright subject matter under the laws of the United States. Mavrix has complied in all respects with the Copyright Act and all of the laws of the United States governing copyrights. The Perry Photos have been timely (specifically for purposes of Plaintiff's recovery of attorneys' fees and statutory damages) registered with the United States Copyright Office.
- 13. Defendants have directly, vicariously and/or contributorily infringed, and unless enjoined, will continue to infringe Mavrix's copyrights by reproducing, displaying,

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distributing and utilizing the Photos for purposes of trade violation of 17 U.S.C. § 501 et seq., and still further by providing the public with the means to further "share" the photos via social media platforms as seen in Exhibit 1 at their website.

- Defendants have willfully infringed, and unless enjoined, will continue to 14. infringe Mavrix's copyrights by reproducing, displaying, distributing and utilizing the Photos for purposes of trade, and still further by providing the public with the means to further "share" the photos via social media platforms as seen in Exhibit 1. This behavior demonstrates willful infringement and, given Clear Channel's awareness that the photos were copyrighted to Mavrix, certainly reckless disregard of Mavrix's rights under the governing Ninth Circuit standard from the seminal Ninth Circuit Louis Vuitton case.
- 15. Defendants have received substantial benefits in connection with the unauthorized reproduction, display, distribution and utilization of the Perry Photos for purposes of trade, including by increasing the traffic to their website and through the social media functions users can utilize as well as through the sales of commercial advertising that are overlaid on the Photos (thereby also altering and damaging the public display of the Photos).
- All of the Defendants' acts are and were performed without the permission, 16. license or consent of Mavrix.
- As a result of the acts of Defendants alleged herein, Mavrix has suffered and is suffering substantial damage to its business in the form of diversion of trade, loss of profits, injury to goodwill and reputation, and the dilution of the value of its rights, all of which are not yet fully ascertainable.
- Because of the willful nature of the copyright infringement, Mavrix is entitled to an award of statutory damages of up to \$150,000 per willfully infringed photograph as well as its attorney's fees in prosecuting this action. If other infringements are discovered in this case, this pleading will be augmented accordingly or notice of additional infringements will be otherwise filed and served in the case.

- 19. The wrongful acts of Defendants have caused, and are causing, injury to Mavrix, and unless this Court restrains Defendants from further commission of said acts, Mavrix will suffer irreparable injury, for all of which it is without an adequate remedy at law.
- 20. The full scope of infringement of other works of Mavrix is currently unknown, and discovery will require access to and analysis of the entire database and library of all content of Defendants so it may be searched with image-based search tools for other Mavrix works. Accordingly, Defendants are hereby placed on notice not to destroy or delete any content or material on any of its servers for any domain names and to otherwise preserve all evidence.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests judgment against Defendants as follows:

- 1. The Defendants, their officers, agents, servants, employees, representatives, and attorneys, and all person in active concert or participation with them, be permanently enjoyed from designing, copying, reproducing, displaying, promoting, advertising, distributing, linking-to, or selling, or any other form of dealing or transaction in, any and all advertising and promotional materials, print media, signs, Internet web sites, or any other media, either now known or hereafter devised, bearing any design or mark which infringe, contributorily infringe, or vicariously infringe upon Plaintiff Mavrix's rights in the Photos.
- 2. Defendants be held liable to Plaintiff in statutory damages for copyright infringement, including willful infringement, in accordance with 17 U.S.C. §§ 504(a)(2) & (c) and for costs, interest and reasonable attorney's fees under 17 U.S.C. § 505. This includes statutory damages of up to \$150,000 for the infringement of the Perry Photos.
- 3. An accounting be made for all profits, income, receipts or other benefit derived by Defendants from the reproduction, copying, display, promotion, distribution or sale of products and services, or other media, either now known or hereafter devised, that improperly or unlawfully infringes upon Plaintiff's copyrights pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).

- 4. Requiring Defendants to account for and pay over to Plaintiff all profits derived by Defendants from their acts of copyright infringement and to reimburse Plaintiff for all damages suffered by Plaintiff by reasons of Defendant's acts, pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).
- 5. Actual damages for copyright infringement pursuant to 17 U.S.C. §§ 504 (a)(1) & (b).
- 6. That Plaintiff be awarded any such other and further relief as the Court may deem just and appropriate

Dated: January 2, 2014

ONE LLP

By:

Peter R. Afrasiabi, Esq. John Tehranian, Esq. Attorneys for Plaintiff, Mavrix Photographs LLC

DEMAND FOR JURY TRIAL

Plaintiff Mavrix Photographs LLC hereby demands trial by jury of all issues so triable under the law.

Dated: January 2, 2014

ONE LLP

By: Peter R. Afrasiabi

John Tehranian

Attorneys for Plaintiff, Mavrix Photographs LLC